IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN

&

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 5TH MARCH, 2007 / 14TH PHALGUNA, 1928

WP(C).No. 7259 of 2007(L)

PETITIONER:

HUTCHISON ESSAR CELLULAR LIMITED,
XL-5115, ASHIS BUILDING, SHANMUGAM ROAD,
COCHIN-682 031, REP. BY ITS MANAGER,
LEGAL, RAJESH MELETH VEETTIL.

BY ADV. SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR

RESPONDENTS:

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1. SUPERINTENDENT OF POLICE,
CALICUT RURAL OFFICE OF THE SUPERINTENDENT
OF POLICE, VADAKARA, CALICUT DISTRICT.

2. CIRCLE INSPECTOR OF POLICE,
VATAKARA.

3. THE STATION HOUSE OFFICER,
VATAKARA POLICE STATION, CALICUT DISTRICT.

4. SASI, S/O.SHANKARAN,
EDAKKUDI PARAMBATH, CUSTOMS ROAD,
VATAKARA-3, KANNUR DIST.

5. SHERIF.C.P., S/O.SUBAIR HAJI,
PATERN DECOR, RAILWAY STATION ROAD,
VATAKARA-1, KANNUR DIST.

6. MANI, S/O.NANU, EDAKKUDI PARAMBATH,
CUSTOMS ROAD, VATAKARA-3, KANNUR DIST.

7. RAUF.V., S/O.LATE ABDURAHMAN.P.C.,
VAIKKILERY HOUSE, ICE ROAD, VATAKARA-3.

R1 TO R3 BY SR.GOVT.PLEADER SMT.K.MEERA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN,Ag.C.J & M.N.KRISHNAN,J.

WP(C) NO. 7259 OF 2007 – L

Dated this the 5th day of March, 2007

J U D G M E N T

Radhakrishnan, Ag.C.J.

Heard the counsel for the petitioner as well as the learned Government Pleader.

2. The issue raised in this case is covered by a decision of this Court reported in **Reliance Infocom Ltd.** v. **Chemanchery Grama Panchayat** (2006(4) KLT 695). In such circumstances, we are inclined to dispose of this writ petition with a direction to respondents 1 to 3 to afford adequate and effective police protection, enabling the petitioner and its employees to proceed with the construction and operation of the Mobile Cellular Tower at its premises in 400 sq.ft. of area on the terrace of building located in Re-Survey No.93/3.B3, Building No.3/250 A, B and 2/380 in Vatakara Municipality, Kozhikode District, without any obstruction.

The writ petition is disposed of as above.

K.S.RADHAKRISHNAN,
Acting Chief Justice

M.N.KRISHNAN,
Judge

Mbs/

K.THANKAPPAN, J

Crl.Appeal NO. OF 2001

J U D G M E N T

DATED:13-02-2007